

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5123-7-33

Rule Type: Amendment

Rule Title/Tagline: Intermediate care facilities for individuals with intellectual disabilities
- resident assessment classification system based on administration of
the Ohio developmental disabilities profile.

Agency Name: Department of Developmental Disabilities

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 7/8/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5123.04, 5124.03, 5124.192, 5124.193
5. What statute(s) does the rule implement or amplify? 5123.04, 5124.03, 5124.19 to 5124.193
6. What are the reasons for proposing the rule?

The Department is amending the appendix to the rule to replace "retardation" with "developmental disability." No amendments are proposed to the text of the rule.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule sets forth a method and process for determining the per resident/per day rate paid to an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICFIID) for direct care costs using the Ohio developmental disabilities profile pursuant to sections 5124.19 to 5124.193 of the Revised Code. The Department is amending page 7 of the appendix to replace "retardation" with "developmental disability." No amendments are proposed to the text of the rule.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75 please explain the basis for the exemption and how an individual can find the referenced material.**

The incorporated references are to the Administrative Code and the Revised Code which are exempt pursuant to Section 121.75 of the Revised Code. The Administrative Code and the Revised Code are available at libraries and on the internet at codes.ohio.gov.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

NO REVISIONS HAVE BEEN MADE TO THE RULE.

THE FIRST PARAGRAPH OF THE PUBLIC HEARING NOTICE WAS REVISED FROM:

Pursuant to Chapter 119. of the Revised Code, the Ohio Department of Developmental Disabilities hereby gives notice of its intent to rescind, adopt, and amend the following rules of the Administrative Code on a permanent basis on or about January 1, 2019, and to conduct a public hearing thereon.

TO:

Pursuant to Chapter 119. of the Revised Code, the Ohio Department of Developmental Disabilities hereby gives notice of its intent to rescind, adopt, and amend the following rules of the Administrative Code on a permanent basis on or about January 1, 2020, and to conduct a public hearing thereon.

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$ 0

The amendments being made to the appendix to the rule will neither increase nor decrease revenues or expenditures of the Department.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

The rule describes a method the Department will use to calculate an ICFIID's per resident/per day rate for direct care costs. An ICFIID may be required to correct a facility level error. Correcting facility level errors will consume staff resources, the cost of which will vary by ICFIID based on the nature of the error and staff wages.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Paragraph (F)(3) allows the Department to assign a lower case mix score to an ICFIID that does not timely correct facility level errors.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

The rule requires an ICFIID to submit resident assessment data to the Department.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes**

Paragraph (F)(3) allows an ICFIID a reasonable period of time to correct facility level errors; an ICFIID's revenue may be reduced if it fails to do so.